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09/450,680	11/30/1999	MITSUJI MARUMO	35.G2504	8003

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EXAMINER

RAO, SHRINIVAS H

ART UNIT	PAPER NUMBER
2814	

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Offic Action Summary</b>	Application N . 09/450,680	Applicant(s) MARUMO, MITSUJI
	Examiner Steven H. Rao	Art Unit 2814
	-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --	

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 27 May 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 23-37 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 23-37 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

*Response to Amendment*

Applicants' amendment filed on May 27, 2003 has been entered on May 29, 2003.

Therefore claims 22-37 as recited in the amendment are currently pending in the Application.

Claims 1-21 have been cancelled by the amendment.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 28 to 37 are rejected under the second paragraph of 35 U.S.C. 112 for failing to particularly point out and distinctly claim the applicants' invention.

Claims 28 and 36 recite "processing system". It is not understood what is included/excluded by the recitation "processing system". Further the Applicant's specification and prior art do not clarify what Applicants' intend to include/exclude by the recitation "processing system".

Dependent claims 29-35 and 37a are rejected at least for depending upon rejected independent claims 28 and 35.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPR ( Applicants' Admitted Prior Art) in view of Drake et al. ( U. S. Patent No. 5,006,760, herein after Drake) .

With respect to claim 21, AAPR describes a pod, which has walls and a lid for an opening formed by said walls, and is capable on including a substrate, the pod comprising :

AAPR does not specifically mention an electromagnetic shield member provided by said walls .

However Drake in figures 1 and col. 2 lines 25-31 describes an electromagnetic shield to form a outer surface that protects the wafer inside from electromagnetic radiation.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include Drake's pod including an electro magnetic shield in AAPR's device to form an outer surface that protects the wafer inside from electromagnetic radiation.

The other limitations of claim 22 are :

A flange provided around the opening which is to contact an electro-magnetic shielded ( sic. shield) chamber for processing the substrate ( Drake figure 1 # 17, col. 2 lines 33- 35) , at a portion around an opening covered with a lid of the electromagnetic shield chamber ( Drake figure 1) and causes said electromagnetic shield member to be

grounded through the electromagnetic shield chamber. ( Drake figure 1, col. 2 lines 33-35 , flange 17 contacts ground 26 through shield 27).

The limitations, " Which is in contact an electromagnetic shield chamber for processing the substrate " and "and causes said electromagnetic shield member to be grounded through the electromagnetic shielded chamber " is a product by process limitation recited in a device claim and therefore cannot be given patentable weight .

It is well settled law that a product by process claim is directed to the product per se, no matter how actually made . See In re Fessman, 180 USPQ 324, 326 ( CCPA 1974); In re Marosi et al. 218 USPQ 289, 292 ( Fed. Cir 1983) all of which make it clear that it is the patentability of the final structure of the product gleaned from the process steps, which must be determined in a product by process claim, and not the patentability of the process. See Also MPEP 2113. More ever an old or obvious product produced by a new method is not a patentable product, whether claimed in " product by process" claims or not. .

With respect to claim 23, wherein said lid of said pod is arranged in front of the pod. (AAPR spec. pages 2 lines 29 to page 3 line 12)

With respect to claim 24 wherein said lid of said pod is arranged in a bottom bottom of the pod. (AAPR spec. pages 2 lines 29 to page 3 line 12)

With respect to claim 25 wherein said electromagnetic shield comprises wire mesh provided on or within walls of said pod. ( AAPR.spec. page 3.lines 21-22).

With respect to claim 26,34 wherein said electromagnetic shield comprises metal coatings provided on walls of said pod. ( AAPR spec. page 3 lines 17-18 , inherent instead of the shielded metal covering metal coating can be used).

With respect to claims 28 and 35, to the extent understood, AAPR describes a micro-device manufacturing apparatus using a substrate comprising : an electromagnetic shielded chamber having an opening covered with a door; ( AAPR figure 10) a door opener which opens the door of said shielded chamber; ( AAPR fig. 10 # 100, spec. page 2 line 8) and a processing system, contained in said shielded chamber, which processes the substrate in said shielded chamber; ( APPR #s 6-11 and 39) and a stand for mounting a pod ,AAPR figure 10 # 12 etc.) wherein said pod has walls and a lid for an opening formed by said walls, and is capable of including the substrate, ( AAPR figure 10) said pod comprising : the electromagnetic shield member provided by said walls and a flange provided around the opening which is to contact an electro-magnetic shielded ( sic. shield) chamber for processing the substrate ( Drake figure 1 # 17, col. 2 lines 33- 35) , at a portion around an opening covered with a lid of the electromagnetic shield chamber ( Drake figure 1) and causes said electromagnetic shield member to be grounded through the electromagnetic shield chamber. ( Drake figure 1, col. 2 lines 33-35 , flange 17 contacts ground 26 through shield 27).

The same rejection as stated under claim 22 above and incorporated here by reference , the additional element of a processing system in the chamber ( AAPR page 3 lines 10-12, wherein the wafers are exposed).

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With respect to claim 29 wherein pod further including a flange, wherein when said pod is installed in the shielded chamber, the flange touches the shielded chamber on the surface. ( Drake fig. 1 # 13 touching 25).

With respect to claims 30 and 37 , wherein the processing chamber exposes the substrate to radiation. (AAPR spec. page 1 lines 16-17, for exposing wafer with radiation is a product by process and therefore no patentable weight can be given).

With respect to claims 31 and 32, wherein the pods are front opening type and bottom opening type ( AAPR page 3 lines 4 to 6) ( AAPR page 2 lines 30-33).

B. Claims 27 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPR ( Applicants' Admitted Prior Art ) and Drake et al. ( U.S. Patent No. 5,006,760, herein after Drake) as applied to claims 22-26 etc. above and further in view of Akagawa ( U.S. Patent No. 4,856,904 herein after Akagawa) .

With respect to claims 27 and 35 wherein said electromagnetic shield comprises shielding materials provided in walls of said pod.

AAPR and Drake do not specifically mention shielding materials provided in walls of the pod.

However, Akagwa fig.2 # 46, 47 and col.2 line 64 and col. 6 lines 64-68

describes shielding materials provided in walls of the pod to provide shield materials in intermetant unspecified locations to reduce the electromagnetic leakage and provide a lighter ( less weight) shield.

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Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include Akagwa's shielding materials provided in walls of the pod to provide shield materials in intermetant unspecified locations to reduce the electromagnetic leakage and provide a lighter ( less weight) shield.

*Response to Arguments*

Applicant's arguments filed 5/29/03 have been fully considered but they are not persuasive because as shown above all the presently recited limitations are taught by the applied prior art.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Steven H. Rao whose telephone number is (703) 306-5945. The examiner can normally be reached on Monday- Friday from approximately 7:00 a.m. to 5:30 p.m.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956. The Group facsimile number is (703) 308-7724.

  
Steven H. Rao

Patent Examiner

February 14, 2003.

  
LONG PHAM  
PRIMARY EXAMINER